

**UNITED STATES PATENT AND TRADEMARK OFFICE**

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

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**MAILED**

SEP 15 2006

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Applicants: Kay et al.  
Application No.: 09/807,167  
Filed: 11/06/02  
For: Floor Covering Material and Method  
for producing Same

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,473.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Richard E. Schafer  
RICHARD E. SCHAFFER  
Administrative Patent Judge

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Filed: September 15, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

POLYFLOR LIMITED,  
Junior Party  
(Application 09/807,167,  
Inventors: John Granville **Kay**,  
Michael Geoffrey Minett, Grenville Seager,  
Adrian Lance Entwistle, Craig Lee Crosby),

MAILED

v.

SEP 15 2006

ALTRO LIMITED,  
Senior Party  
(Patent 6,579,610,  
Inventors: Adrian John **Shortland**,  
Karen Alexandra Masters).

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Patent Interference No. 105,473 (RES)  
(Technology Center 1700)

**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count and claims designated as corresponding or as not corresponding to the count appear in Parts E and F of this DECLARATION.

<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. '41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1  
2 **Part B. Judge managing the interference**

3 Administrative Patent Judge Richard E. Schafer has been designated to manage the  
4 interference. 37 CFR § 41.104(a).

5 **Part C. Standing order**

6 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
7 DECLARATION. The STANDING ORDER applies to this interference.

8 **Part D. Initial conference call**

9 A telephone conference call to discuss the interference is set for **3:00 p.m. on November**  
10 **13, 2006** (the Board will initiate the call).

11 No later than **two business days** prior to the conference call, each party shall file and  
12 serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR §§ 41.120 & 41.204; SO ¶¶ 104.2.1, 120  
13 & 204) the party intends to file.

14 A time periods for taking action during the motion phase are set in an order  
15 accompanying this declaration. Paper 3.

16 **Part E. Identification and order of the parties**

17 Junior Party

18 Named inventors: John Granville **Kay**  
19 Michael Geoffrey Minett  
20 Grenville Seager  
21 Adrian Lance Entwistle  
22 Craig Lee Crosby

23  
24 Involved Application: 09/807,167, filed November 6, 2002

25  
26 Title: Floor Covering Material and Method for Producing Same

27  
28 Assignee: POLYFLOR LIMITED

Senior Party

Named Inventors: Adrian John **Shortland**  
Karen Alexandra Masters

Involved Patent: 6,579,610, granted June 17, 2003  
based on Application 09/830,041, filed June 1, 2001

Title: Non Stain Flooring

Assignee: ALTRO LIMITED

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. 37 CFR § 41.154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

**Part F. Count and claims of the parties**

**Count 1**

Claim 26 of Application 09/807,167 or Claim 31 of Patent 6,579,610.

The claims of the parties are:

Polyflor: 26-34

Altro: 1-56

The claims of the parties which correspond to Count 1 are:

Polyflor: 26-34

Altro: 1-16 and 31-39

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Polyflor: None

Altro: 17-30 and 40-56

The parties are accorded the following benefit for Count 1:

Polyflor: PCT/GB99/03169 10/11/1999

Altro: PCT/GB00/00056 01/11/2000

UK 9900577.9 01/13/1999

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference, see SO ¶  
3 106.1.1:

4 UNITED STATES PATENT AND TRADEMARK OFFICE  
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6  
7 BEFORE THE BOARD OF PATENT APPEALS  
8 AND INTERFERENCES  
9

10  
11 POLYFLOR LIMITED,  
12 Junior Party  
13 (Application 09/807,167,  
14 Inventors: John Granville **Kay**, Michael Geoffrey Minett,  
15 Grenville Seager, Adrian Lance Entwistle & Craig Lee Crosby),  
16

17 v.

18  
19 ALTRO LIMITED,  
20 Senior Party  
21 (Patent 6,579,610,  
22 Inventors: Adrian John **Shortland** & Karen Alexandra Masters).  
23

24  
25 Patent Interference No. 105,473 (RES)  
26 (Technology Center 1700)  
27

28 **Part H. Order form for requesting file copies**

29 When requesting copies of files, use of SO Form 4 will greatly expedite processing of the  
30 request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle  
31 around the patents and applications for which a copy of a file wrapper is requested.

32  
33 /Richard E. Schafer/  
34 RICHARD E. SCHAFFER  
35 Administrative Patent Judge  
36

37 Enc: Copy of STANDING ORDER  
38 Copy U.S. Patent 6,579,610  
39 Copy of claims of Application 09/807,167  
40

41 Revised 3 January 2006

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